

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

DANIEL J. NUSBAUM,)	
)	
<i>Plaintiff,</i>)	
v.)	JURY TRIAL DEMANDED
)	
MBFG LIMITED PARTNERSHIP d/b/a)	No. 2:07-cv-01032 (NBF)
MONTEREY BAY FISH GROTTTO,)	
)	
<i>Defendant.</i>)	

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION
TO COMPEL PRODUCTION OF DOCUMENTS

The Plaintiff, Daniel J. Nusbaum, hereby responds to the Motion to Compel Production of Documents filed by the defendant, MBFG Limited Partnership d/b/a Monterey Bay Fish Grotto, as follows:

RELEVANT FACTS

1. Pursuant to this Court's Order of August 13, 2009, (*see* Docket No. [78]), Plaintiff contacted counsel for defendant (Christina Kepplinger) on August 17, 2009 in order to arrange a telephonic meet and confer session, which was held on August 18, 2009. (*See* e-mail exchange between Daniel J. Nusbaum and Christina Kepplinger, Esq., dated August 17, 2009 (annexed hereto as Exhibit A).)

2. In order to memorialize the parties' understanding of the details of this meet and confer session, on August 21, 2009 Plaintiff sent to opposing counsel a detailed letter setting forth each of the matters upon which an agreement had been reached. (A true and correct copy of this letter is annexed hereto as Exhibit B.)

3. In this letter, Plaintiff agreed to withdraw his claims of privilege as to each of the documents sought by defendant, to wit: DN 000737-000740, DN 001053, DN 001193-001194, DN 001199-001200, DN 001202, and DN 001241-001244.

4. On August 23, 2009, Plaintiff sent complete and unredacted copies of each of these documents to defendant by regular mail. (A true and correct copy of the cover letter accompanying this mailing is annexed hereto as Exhibit C.)

5. Because Plaintiff has already provided defendant with the entirety of the relief requested in its Motion to Compel, the Motion has been rendered moot and should therefore be denied by the Court as such.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that this Court deny as moot defendant's Motion to Compel Production of Documents (Docket No. [77]).

Respectfully submitted,

s/ Daniel J. Nusbaum

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Pro Se Plaintiff

Dated: August 27, 2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Plaintiff's Response to Defendant's Motion to Compel Production of Documents was electronically served on counsel for the defendant via this Court's CM/ECF system at the address listed below on the 27th day of August, 2009.

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s/ Daniel J. Nusbaum

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Pro Se Plaintiff